



Robert L. Rattet

Partner

Phone: 914.381.7400

Fax: 914.381.7406

rrattet@rattetlaw.com

July 15, 2018

Via ECF and Email

Honorable Robert D. Drain
United States Bankruptcy Courthouse
300 Quarropas Street
White Plains, New York 10601

Re: EMC Hotels and Resorts LLC - Case No. 18-22932 (RDD)
EMC Bronxville Metropolitan LLC – Case No. 18-22963 (RDD)

Dear Honorable Judge:

We are writing in connection with the hearing scheduled for this morning in the EMC Hotels and Resorts LLC matter (the “Nyack Case”). Collaterally we also write in connection with the EMC Bronxville Metropolitan LLC matter (the “Bronxville Case”). On July 15, 2018 we electronically filed a Motion to Convert the Nyack Case from Chapter 7 to Chapter 11 (ECF Docket No. 27). On July 15, 2018 we electronically filed a Motion to Convert the Bronxville Case from Chapter 7 to Chapter 11 (ECF Docket No. 7).

11 U.S.C. §706(a) provides, in pertinent part, that a “debtor may convert a case under this chapter to a case under chapter 11 ... of this title at any time, if the case has not been converted under section 1112, 1208 or 1307 of this title.” The Debtor respectfully asserts that conversion from Chapter 7 to Chapter 11 is a matter of absolute right. A proposed Orders of Conversion (the “Orders”) granting these requests is transmitted in Word format with this email and is docketed as an exhibit to the Motions.

We intend, after the entry of the Orders of Conversion, to submit the following:

- a) An order of Joint Administration;
- b) Retention orders for attorneys, accountant and other usual retention orders;
- c) When negotiated with Bank Hapoalim, cash collateral orders;
- d) Other usual “first day” orders as necessary and desirable; and
- e) An Order appointing an Examiner Pursuant to 11 U.S.C. § 1104(c) with expanded powers.

We believe that an Examiner is necessary to examine a variety of allegations surrounding these cases, as outlined in the various papers relating to the Motion for Interim Trustee and the



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Motion to Dismiss and for Abstention. Included in the powers of the proposed examiner should include into and out of both entities, the relation between the debtors and subject that the Examiner believes are appropriate, including various allegations of fraud, forgery and misappropriation.

While the Motion to Dismiss and for Abstention will have been mooted by the consent to order for relief contained in the proposed Orders of Conversion, the Debtor's factual assertions remain subject to probing and disclosure.

Thank you for your consideration of these matters.

Respectfully,

RATTET PLLC

/s/ Robert L. Rattet, Esq.

Robert L. Rattet, Esq.



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cc: (BY ELECTRONIC MAIL)

Mitchell Greene, Esq.
Robinson Brog Leinwand Greene Genovese &
Gluck, P.C.
Attorneys for HHM Nyack, LLC,

Paul Schwartzberg, Esq.
Office of the United States Trustee

Joseph E. Sarachek, Esq.
The Sarachek Law Firm
Attorneys for Petitioning Creditors and
John Krupa

Mitchell Pollack, Esq.
Marvin M. Kelly, Esq.
Law Office of Mitchell Pollack
Attorneys for Howard Dean

Jared R. Clark
Phillips Nizer, LLP
Attorneys for Bank Hapoalim

Mr. Edgar Costa
EMC Hotels and Resorts LLC
RLR/

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
In re	:	Chapter 7
	:	
EMC Hotels and Resorts LLC,	:	Case No.: 18-22932-rdd
fka NYLO Nyack, LLC,	:	
fka WY Time Hotel, LLC,	:	
	:	
Debtor.	:	
-----	x	

**ORDER CONVERTING CHAPTER 7 CASE TO CASE
UNDER CHAPTER 11**

Upon the motion (the “Motion”) of the above-captioned debtor, EMC Hotels and Resorts LLC (“EMC” or the “Debtor”), in open Court July 16, 2018 by its attorneys, Rattet PLLC; and it appearing that the Debtor has an absolute right to convert this case from one under Chapter 7 to one under Chapter 11, good and sufficient cause appearing for the relief requested in the Motion; it is hereby

ORDERED, that, pursuant to 11 U.S.C. § 706(a), the above-captioned involuntary chapter 7 case is hereby converted to one under chapter 11 of the Bankruptcy Code, and it is further

ORDERED, that this Order is without prejudice to any right the Debtor may have to seek appropriate relief under 11 U.S.C. §303(i) for damages caused and occasioned by the involuntary Chapter 7 filing

ORDERED, that this Order shall constitute the Order for Relief in this Title 11 case.

Dated: July __, 2018

HON. ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
In re	:	Chapter 7
	:	
EMC Bronxville Metropolitan LLC,	:	Case No.: 18-22963-rdd
	:	
	:	
Debtor.	:	
-----	x	

**ORDER CONVERTING CHAPTER 7 CASE TO CASE
UNDER CHAPTER 11**

Upon the oral motion (the “Motion”) of the above-captioned debtor, EMC Bronxville Metropolitan LLC (“EMC” or the “Debtor”), by its attorneys, Rattet PLLC; and it appearing that the Debtor has an absolute right to convert this case from one under Chapter 7 to one under Chapter 11, good and sufficient cause appearing for the relief requested in the Motion; it is hereby

ORDERED, that, pursuant to 11 U.S.C. § 706(a), the above-captioned involuntary chapter 7 case is hereby converted to one under chapter 11 of the Bankruptcy Code, and it is further

ORDERED, that this Order is without prejudice to any right the Debtor may have to seek appropriate relief under 11 U.S.C. §303(i) for damages caused and occasioned by the involuntary Chapter 7 filing

ORDERED, that this Order shall constitute the Order for Relief in this Title 11 case.

Dated: July __, 2018

HON. ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE